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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,660	01/31/2002	Jill Alese Cleary	109.0026	1469
27997 7590 07/03/2007 PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			EXAMINER ALI, MOHAMED HATEM	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/683,660

Applicant(s)

CLEARY ET AL.

Examiner

Mohamed H. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. The following is a **final action** on merits. The amendments received on 06/06/2007 have been entered. **Claims 1-19** are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Sellers et al (US 2001/0044773 A1).

**As per claim 1**, Sellers et al discloses a system for managing and reporting mortgage delinquency information, comprising:

a delinquency information database for receiving, storing and maintaining mortgage delinquency information entries, each mortgage delinquency information entry comprising information identifying and providing relevant details about a delinquent mortgage, including information identifying a property for which a mortgage is in a delinquent status and information identifying the nature and status of the delinquency; and (see para 0036, via a box 96 for receiving the Certificate Number of the mortgage

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insurance policy covering the mortgage for which the workout being sought to identify the property. And para 0039, for status of delinquency, the workout arrangement sought in a particular situation depends upon the reason that borrower has become delinquent in making loan payments (see [0025, 0036, 0038 and 0042] via e-Loss Mitigation Optimizer-"e-LMO" and Borrower Assistance Program (BAP));

a delinquency information manager (See [0055] via task manager software package works as a program mentioned in specification) operative to retrieve delinquency information entries from the delinquency information database, the delinquency manager being accessible to a user computer through a publicly accessible network, the delinquency information manager presenting one of a number of a selectable interfaces upon selection by the user to allow the user to transmit delinquency information from the user computer through the publicly accessible network, the selection of interfaces including a form for creation and transmission of new delinquency information entries, creation of each new delinquency information entry resulting in transmission of an initial report of delinquency of a specified mortgage from a mortgage servicer to a mortgage insurer (See para 0031, via; the e-MO Fast Track system is implemented using forms and functions 56 in a template based application and also in para 0026, first workout recommendation of loan servicer were reviewed by mortgage institutions and decisions and negotiated terms were communicated back to loan servicer to submit final workout package), a form (see [0031] via using forms and functions –template based application) for modification of previously submitted delinquency information entries and an interface for identification

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and uploading of a file containing delinquency information, the delinquency information database in the form of delinquency information entries after the delinquency information is received from the user computer( see[ 0025, 0028, and 0031-0035] via "e-LMO" Fast Track system with template-based application form, entry of delinquency information as workout into the number of data entry boxes for receiving inputs from the user of **the system**).

**As per claim 2**, Sellers et al discloses a mortgage administration server and wherein the delinquency information manager is operative to transmit delinquency information server to the mortgage administration server upon a command by the user to the delinquency information manager to transmit the delinquency information, (see [0027 and 0028] via e-LMO loan-servicer enters delinquency inputs through personal computer into the system for the web server computer of the system main frame).

**As per claim 3**, Sellers et al discloses the delinquency information manager transmits the delinquency information to the mortgage administration server by retrieving designated delinquency information entries from the delinquency information database and transmitting them to the mortgage administration server, (see [0028] via e-Fast Track system of delinquency information to the web-server of main frame system).

**As per claim 4**, Sellers et al discloses the mortgage administration server hosts a mortgage administration manager operative to receive and process delinquency information entries from the delinquency information manager, (see [0027-0029 and 0052] via e-LMO system in Real Estate Owned (REO) mainframe).

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**As per claim 5,** Sellers et al discloses a mortgage information database for storing delinquency information entries received by the mortgage administration manager, (see [0036] via e-MLO system and REO mainframe).

**As per claim 6,** Sellers et al discloses each delinquency entry and each mortgage information entry identifies a servicer who is servicing a mortgage identified by the entry, (see [0032] via user ID and password).

**As per claim 7,** Sellers et al discloses the delinquency information manager allows access to delinquency information entries only to authorized users associated with servicers identified in the entries, (see [0032] via user ID and password).

**As per claim 8,** Sellers et al discloses one or more of the interfaces presented to the user by the delinquency information manager are hypertext pages, (see [0032]);

**As per claim 9,** Sellers et al discloses one interface available to a user comprises a list of entry descriptions, each entry description identifying a delinquency information entry previously stored by the user and wherein each entry description includes a hypertext link, (see [0031-0032 and 0051]).

**As per claim 10,** Sellers et al discloses the forms for creation and modification of delinquency information are hypertext pages including fields and commands for entry and modification of the information and commands for storing of the information, (see [0031-0034]);

**As per claim 11,** Sellers et al discloses the publicly accessible network is the Internet, (see [0030]).

**As per claim 12**, Sellers et al discloses the delinquency information manager is operative to periodically compare delinquency information entries in the delinquency information database to corresponding mortgage information entries in the mortgage information database to determine if the corresponding entries mortgage information entries are more current than the delinquency information entries and, if so, to update the delinquency information entries to reflect more current information in the mortgage information entries(see[0029] via additional information to the central server computer).

**As per claim 13**, Sellers et al discloses, a method of mortgage delinquency management, comprising the steps of:

- establishing an account identifying a mortgage servicing entry, (see [0025 and 0032] via e-Fast track system);

- establishing a connection with a user computer through a publicly accessible network, (see [0030] via personal computer and internet connection);

- upon presentation of authentication information associated with the account, allowing access by the user computer to an electronic data storage area and allowing retrieval from the electronic data storage area of new or updated entries identified with the account, (see [0031 and 0032] via access to central database after authentication with ID and password);

- upon commands and selections received from a user through the user computer, presenting one or more interfaces to the user to allow creation, review, modification and storage of delinquency information entries, including information identifying a property for which a mortgage is in a delinquent status and information identifying the nature and

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status of the delinquency (see para 0031, via; the e-LMO Fast Track system is implemented using forms and functions 56 in a template based application and also in para 0026, first workout recommendation of loan servicer were reviewed by mortgage institutions and decisions and negotiated terms were communicated back to loan servicer to submit final workout package), each delinquency information entry including delinquency information identifying and providing relevant details about a mortgage associated with the servicing entity, creation of a new delinquency information entry resulting in transmission of initial notification of a delinquency to a mortgage insurer (see para 0031, via; the e-LMO Fast Track system is implemented using forms and functions 56 in a template based application and also in para 0026, first workout recommendation of loan servicer were reviewed by mortgage institutions and decisions and negotiated terms were communicated back to loan servicer to submit final workout package), at least one interface allowing identification and upload of a file from the user computer, (see [0032 – 0034] via access to web-browser by service delinquency reporting to mainframe);

upon receiving one or more delinquency information entries from the user computer and receiving a command to store the delinquency information entries, storing the delinquency information entries in the electronic data storage area, (see [0008, and 0029] via data entry boxes storing delinquency informations).

**As per claim 14**, Sellers et al discloses the electronic data storage area is a delinquency information database hosted on a delinquency information server, (see [0008, 0052 and 0070] via REO mainframe loan database).



**As per claim 15,** Sellers et al discloses a steps of transferring information in the delinquency information entries from the delinquency information database to a mortgage information database from which the information contained in the delinquency information entries is accessible to users associated with a mortgage insurance provider, (see [0036] via loan servicer to mortgage insurance provider for particular loan).

**As per claim 16,** Sellers et al discloses a step of updating the information in the mortgage information database in response to commands and data received from users associated with the mortgage insurance provider (see [0036] via servicer to insurance provider).

**As per claim 17,** Sellers et al discloses a step of periodically comparing the information in the mortgage information database against equivalent information in the delinquency information database and updating the information in the delinquency information database with more current information from the mortgage information database, (see [0036 and 0042] via loan servicer with BAP).

**As per claim 18,** Sellers et al discloses the interfaces are hypertext pages, (see [0034 and 0051]).

**As per claim 19,** Sellers et al discloses the step of presenting interfaces to the user includes presenting a list of entry descriptions, each entry description identifying a delinquency information entry previously stored by the user and wherein each entry description includes a hypertext link which can be activated by the user and wherein the delinquency information manager displays details of the entry identified by the entry

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description upon activation of the hypertext link, (see [0032-0034 and 0051] via a screenshot of a login screen appears when the website is accessed by ID and password and then using e-Fast Track system and URL).

### ***Response to Arguments***

4. Applicant's arguments filed 06/06/2007 have been fully considered but they are not persuasive.

5. **With respect to claims 1 and 13**, applicant argues that Seller does not teach and does not make obvious creating a new mortgage delinquency entry resulting in transmission of an initial report from a servicer to a mortgage insurer, with the mortgage delinquency entry identifying a property for which a mortgage is in delinquent status and details of the nature and status of the mortgage. The Examiner respectfully disagrees. Seller discloses workout recommendation (report) from loan servicer is sent to mortgage institutions after identifying the types and status of delinquency from Insurance policy and records. The workout package is reviewed by mortgage representative. Decisions and negotiated terms are communicated back to the loan servicer by phone and written confirmation. The loan servicer submit workout recommendation. If the mortgage insurer's predetermined workout parameter are met, the servicer will receive automatic approval letter over the Internet. If the workout parameters are not met, the loan servicer is offered alternate options including but not limited to choosing another workout or sending in a full package for in-house review.

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Applicant also argues in page 9 that Seller does not discuss details of the initial entry of the information. Examiner respectfully disagree. In para 0048, Seller discloses that once the borrower information is verified, the loan servicer or other user of the system is brought to a web page designed to receive inputs specific to the type of workout as being sought and is designed to prompt the servicer to make changes to the inputted information as required.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Heffner et al (2003/0, 018,558 A1) discloses about servicing of loan related to delinquency.

Acosta et al (US 6,643,625 B1) discloses loan service records and delinquency.

Atkins (5,852811) discloses about the loan accounts are unbalanced due to delinquency.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 7-30 to 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali

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Examiner  
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MA

*Lana N. Le*

6-28-07

LANA LE  
PRIMARY EXAMINER